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2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
4 **FRESNO DIVISION**

5 PATRICIA GOMEZ,

6 Plaintiff,

7 v.

8 CEDAR OAKS APARTMENTS L.P.,
9 et al.,

10 Defendants.

Case No. 1:21-cv-00830-DAD-BAK (SKO)

11 **ORDER RE: DISCOVERY**

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13 Having considered the parties' letter briefs regarding their informal discovery dispute and
14 having heard from counsel at the informal discovery dispute conference held on April 7, 2022, the
15 Court hereby ORDERS as follows:

- 16 1. Plaintiff's request to compel production of Defendants' past three years of federal
17 and state tax returns and past four years of financial records is GRANTED IN
18 PART, as the records are relevant to Plaintiff's claim for punitive damages and
19 responsive to a Request for Production propounded by Plaintiff. *See White v. Ford*
20 *Motor Company*, 500 F.3d 963, 976–77 (9th Cir. 2007) (evidence of a defendant's
21 finances, income, assets, and net worth is crucial to issues of punitive damages).
22 However, the Court limits the required production to records sufficient to
23 demonstrate Defendants' current financial condition, specifically financial records
24 from the period one year before the date of this order, i.e., April 8, 2021, through
25 April 8, 2022. *See Bennett v. 38604 10th St. E., LLC*, No. CV208858DMGPVCX,
26 2021 WL 5033490 (C.D. Cal. July 30, 2021) (granting the plaintiff's motion to
27 compel production of documents about the defendant's financial condition,
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1 including federal and state tax returns, as relevant to the plaintiff's claims for
2 punitive damages under the federal Fair Housing Act ("FHA") and the California
3 Fair Employment and Housing Act ("FEHA"), but limiting the scope of the
4 discovery to documents from one year before the date of the court's order because
5 only information about the defendant's current net worth was relevant); *Barajona*
6 *v. C & R Canoga Park, LP*, No. CV191250TJHPLAX, 2019 WL 8886021 (C.D.
7 Cal. Dec. 4, 2019) (granting the plaintiff's motion to compel production of
8 documents sufficient to identify the defendant's current net worth as relevant to the
9 plaintiff's claim for punitive damages under the FHA).

10 2. The parties are ORDERED to meet and confer to establish what financial records
11 from April 8, 2021, to the present, are relevant to determining Defendants' current
12 financial condition¹, and by no later than April 15, 2022, Defendants SHALL
13 produce their federal and state tax returns from the past year and any other financial
14 records agreed upon by the parties. Any privacy concerns can be addressed by
15 redacting only the information which contains private or privileged information
16 (i.e., SSNs, DOBs, etc.).

17 3. Plaintiff's request to compel production of a settlement agreement from a prior
18 discrimination lawsuit against Defendants is DENIED, as Plaintiff failed to address
19 the confidential nature of the settlement agreement or explain why her need for the
20 agreement outweighs the privacy interests of the parties to that agreement. *See*
21 *Gergawy v. United States Bakery, Inc.*, No. 2:19-CV-00417-SAB, 2021 WL
22 6141702 (E.D. Wash. Feb. 8, 2021) (denying the plaintiffs' request to compel
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26 ¹ Such documents might include, for example, financial statements; balance sheets; and federal, state, county, or local
27 tax returns. *See Barajona*, 2019 WL 8886021, at *5 n.1. In the unlikely event that there remains a dispute about the
28 financial records to be produced, the parties may file a formal motion regarding their discovery dispute pursuant to
E.D. Cal. Local Rule 251.

disclosure of settlement agreements where the plaintiffs failed to show “that their need to see these agreements outweighs their confidential nature”).²

IT IS SO ORDERED.

Dated: April 8, 2022

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

² In their letter brief, Defendants claimed that Plaintiff was demanding unredacted versions of certain documents produced during discovery. As Plaintiff did not make such a request in her letter brief, the Court declines to address whether unredacted documents need to be produced.